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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/715,087	11/20/2000	Akira Ishida	P101201-00009	7871

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EXAMINER

IQBAL, KHAWAR

ART UNIT	PAPER NUMBER
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2686

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DATE MAILED: 01/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/715,087

Applicant(s)

ISHIDA, AKIRA

Examiner

Khawar Iqbal

Art Unit

2686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 9-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 9-14 are rejected under 35 U.S.C. 102(e) as being unpatentable by Kuwahara et al (6141335).
3. Regarding claim 9 Kuwahara et al teaches a wireless base station that transmits a control signal to a non-specific mobile station by forming an omnidirectional antenna pattern and transmits a control signal to a specific mobile station by forming an array antenna pattern, the wireless base station comprising (figs. 3-14):

a judging unit operable to, when the control signal is to be transmitted to the specific mobile station, refer to a reception condition of and a time lapse from, an immediately preceding reception from a mobile station and judge if one or both of the reception condition and the time lapse satisfy a predetermined criterion (col.2, line 50-col. 3, lines 5); and

a controlling unit operable to, when the judging unit judges in the affirmative, stop the wireless base station from forming the array antenna pattern and force the wireless

base station to transmit the control signal by forming an omnidirectional antenna pattern (col.3, lines 1-10).

Regarding claims 10 and 11 Kuwahara et al teaches wherein the control signal transmitted to the specific mobile station includes a message representing a link channel establishing request, a link channel establishing re-request, a link channel allocation request, or a link channel allocation rejection (col. 5, line 55-col. 6, lines 50).

Regarding claim 12 Kuwahara et al teaches wherein when the judging unit judges in the negative, the controlling unit controls the wireless base station so that the transmission using the array antenna pattern is performed with a raised transmission power (col. 2, lines 20-27).

Regarding claim 13 Kuwahara et al teaches wherein when the controlling unit forces the wireless base station to transmit the control signal by forming the omnidirectional antenna pattern, in a case where a reception field strength of the mobile station is high, the controlling unit controls the wireless base station so that a transmission power is lowered temporarily (col. 2, line 50-col. 3, line 10).

Regarding claim 14 Kuwahara et al teaches a controlling method to be used by a wireless base station that transmits a control signal to a non-specific mobile station by forming an omnidirectional antenna pattern and transmits a control signal to a specific mobile station by forming an array antenna pattern, the controlling method comprising (figs. 3-14):

when the control signal is to be transmitted to the specific mobile station, referring to a reception condition of and a time lapse from, an immediately preceding

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reception from a mobile station and judging if one or both of the reception condition and the time lapse satisfy a predetermined criterion (col. 2, line 50-col. 3, line 5).; and

when the judgment is in the affirmative, stopping the wireless base station from forming the array antenna pattern and forcing the wireless base station to transmit the control signal by forming an omnidirectional antenna pattern (col.3, lines 1-10).

Response to Arguments

4. Applicant's arguments with respect to claims 9-14 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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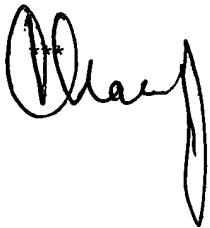
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khawar Iqbal whose telephone number is 703-306-3015.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MARSHA D BANK-HAROLD can be reached on 703-305-4379. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

Khawar Iqbal
Examiner
Art Unit 2686



CHARLES APPIAH
PRIMARY EXAMINER